

JC12 Rec'd PCT/PTC 20 JUL 2005

Rev 9/04

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application : Willem Ferdinand Nieuwenhuizen  
 Application No. :  
 Filed : Herewith  
 Confirmation No. :  
 For : SPHINGOLIPIDS FOR IMPROVEMENT OF THE COMPOSITION  
       OF THE INTESTINAL FLORA  
 Examiner :  
 Attorney's Docket : VER-194XX

TC Art Unit:

~~I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on \_\_\_\_\_.~~

By: \_\_\_\_\_

Registration No.  
 Attorney for Applicant(s)

\* \* \* \* \*

INFORMATION DISCLOSURE STATEMENT

Mail Stop Amendment  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

Sir:

It is desired to cite for the record in this application the enclosed references listed on the attached copy of PTO Form #1449. The paragraph(s) marked below are applicable to this Information Disclosure Statement.

- (1) Pursuant to 37 C.F.R. § 1.97(b)(1) and (2), the attached Information Disclosure Statement is being filed within three months of the filing date of the above identified national application or within three months of the date of entry of the national stage as set forth in 37 C.F.R. § 1.491 of the above identified application. Accordingly, applicant(s) believes that no fee or statement under 37 C.F.R. § 1.97(e) is required.
- (2) Pursuant to 37 C.F.R. § 1.97(b)(3), applicant(s) believes the attached Information Disclosure Statement is being filed before the mailing date of a first Office action on the merits.

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Accordingly, applicant(s) believes that no fee or statement under 37 C.F.R. § 1.97(e) is required.

- [ ] (3) Pursuant to 37 C.F.R. § 1.97(b)(4), applicant(s) believes the attached Information Disclosure Statement is being filed before the mailing date of a first Office action after the filing of a request for continued examination under § 1.114. Accordingly, applicant(s) believes that no fee or statement under 37 C.F.R. § 1.97(e) is required.
- [ ] (4) Pursuant to 37 C.F.R. § 1.97(c), the attached Information Disclosure Statement is being filed before the mailing date of a final action or a notice of allowance and is accompanied by:  
[ ] a statement under 37 CFR § 1.97(e); or  
[ ] the fee set forth in § 1.17(p).

PETITION UNDER 37 CFR § 1.97(d)

- [ ] (5) Pursuant to 37 CFR § 1.97(d), applicant(s) hereby petitions the Commissioner to consider the attached Information Disclosure Statement which is being filed on, or before payment of the issue fee. This petition is accompanied by a statement under 37 C.F.R. § 1.97(e) and the petition fee set forth in 37 C.F.R. § 1.17(p).

STATEMENT UNDER 37 C.F.R. § 1.97(e)(1)

- [ ] (6) The undersigned hereby states that each item of information contained in the attached Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement.

STATEMENT UNDER 37 C.F.R. § 1.97(e)(2)

- [ ] (7) The undersigned hereby states that no item of information contained in the attached Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in the attached Information Disclosure Statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

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Where the status of the application has changed, unknown to the applicant, such that the boxes checked are no longer applicable, the Commissioner is authorized to accept this submission with any additional fees required by that change charged to Deposit Account No. 23-0804.

The filing of this Information Disclosure Statement is not a representation by the undersigned as to personal knowledge of the contents of every word or phrase of the material enclosed or that reliance on other suitably trained professionals has not been made.

If a search report of a searching agency is enclosed identifying the nature of the relevance of each document, such a designation is deemed to satisfy 37 C.F.R. § 1.98(a)(3) even if in a foreign language because the codes are the same in all languages. However, applicant(s) does not necessarily adopt the position reflected by that report.

These references were cited in the International Search Report (copy enclosed) which issued in PCT/NL2004/000046 filed January 20, 2004.

The Commissioner is hereby authorized to charge payment of any additional fees associated with this communication or credit any overpayment to Deposit Account No. 23-0804. Triplicate copies of this letter are enclosed.

Respectfully submitted,

WILLEM FERDINAND NIEUWENHUIZEN

By: \_\_\_\_\_

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Enclosure

Date: July 20, 2005

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<b>U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE</b>  <b>INFORMATION DISCLOSURE CITATION</b> <i>(Use several sheets if necessary)</i>				ATTY. DOCKET NO.  VER-194XX	APPLICATION NO.  <b>10/542838</b>		
				APPLICANT:  Willem Ferdinand Nieuwenhuizen			
				FILING DATE Herewith	TC ART UNIT		
<b>U.S. PATENT DOCUMENTS</b>							
EXAMINER INITIAL		DOCUMENT NUMBER	PUBLICATION/ ISSUE DATE	NAME	CLASS	SUBCLASS	FILING DATE
		US					
		US					
<b>FOREIGN PATENT DOCUMENTS</b>							
		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION YES      NO
		FR 2 820 037 A	8/2/2002	France			
<b>OTHER DOCUMENTS (including Author, Title, Date, Pertinent Pages, etc.)</b>							
		Vesper, H. et al.: "Sphingolipids in Food and the Emerging Importance of Sphingolipids to Nutrition" JOURNAL OF NUTRITION, vol. 129, 1999, pages 1239-1250.					
		Fantini, J. et al.: "Synthetic Soluble Analogs of Galactosylceramide (GalCer) Bind to the V3 Domain of HIV-1 gp120 and Inhibit HIV-1-induced Fusion and Entry" JOURNAL OF BIOLOGICAL CHEMISTRY, vol. 272, no. 11, 1997, pages 7245-7252.					
		Rueda, R. et al.: "Addition of gangliosides to an adapted milk formula modifies levels of fecal Escherichia coli in preterm newborn infants" J. PEDIATR., vol. 133, 1998, pages 90-94.					
		Merrill Jr., A. H. et al.: "Role of dietary sphingolipids and inhibitors of sphingolipid metabolism in cancer and other diseases" JOURNAL OF NUTRITION 1995 UNITED STATES, vol. 125, no. 6 SUPPL., 1995, pages 1677S-1682S.					
		Bibel, D. J. et al.: "ANTIMICROBIAL ACTIVITY OF SPHINGOSINES" JOURNAL OF INVESTIGATIVE DERMATOLOGY, vol. 98, no. 3, 1992, pages 269-273.					
		Chung, N. et al.: "Phytosphingosine as a specific inhibitor of growth and nutrient import in Saccharomyces cerevisiae." THE JOURNAL OF BIOLOGICAL CHEMISTRY. UNITED STATES 21 SEP 2001, vol. 276, no. 38, 21 September 2001 (2001-09-21), pages 35614-35621.					
EXAMINER		DATE CONSIDERED					
<b>*EXAMINER:</b> Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.							

**REFERENCES FURNISHED BY INTERNATIONAL BUREAU**

CLG/mc/324085-1